

**REMARKS**

Claims 8, 10, 11, 15, 17-19, 21, 24, 25, 28 and 30-35 are pending in this application. By this Amendment, claims 8, 10, 11, 15, 21, 24, 25, 28 and 30-32 are amended, claims 33-35 are added, and claims 13, 22, 23, 26, 27 and 29 are canceled, without prejudice to or disclaimer of, the subject matter recited therein. Support for amended claims 8, 15 and 25, and for new claims 33 and 34 can be found in the specification, for example, on page 18, line 17 through page 19, line 6, and page 40, lines 1-5. Support for amended claims 30 and 31, and for new claim 35 can be found in the specification, for example, on page 32, line 4 through page 33, line 19. Support for amended claim 32 can be found in the specification, for example, on page 50, lines 3-21. Claims 10, 21 and 28 are amended to correct minor informalities. Accordingly, no new matter is added.

In view of at least the following remarks, reconsideration and allowance are respectfully requested.

**I. The Claims Define Patentable Subject Matter**

Claims 8, 10, 15, 18, 19, 21-23, 26, 30 and 31 are rejected under 35 U.S.C. §103(a) over Ishiguro (U.S. Patent No. 7,062,230), Kito (U.S. Patent No. 6,628,899) and further in view of Miyake (U.S. Patent No. 6,900,912); claim 28 is rejected under 35 U.S.C. §103(a) Ishiguro, Kito, Miyake further in view of Matsumoto et al. (U.S. Patent No. 6,833,861); claim 11 is rejected under 35 U.S.C. §103(a) over Ishiguro, Kito, Miyake and further in view of Niwa (U.S. Patent No. 6,538,692); claim 17 is rejected under 35 U.S.C. §103(a) Ishiguro, Kito, Miyake, and further in view Gaylord (U.S. Patent No. 6,773,953); claims 25 and 27 are rejected under 35 U.S.C. §103(a) Ishiguro, Kito, Miyake and further in view of Nanba (U.S. Patent No. 6,297,870); claim 13 is rejected under 35 U.S.C. §103(a) over Nanba, Fukuoka (U.S. Patent No. 6,104,430) and further in view of Moronaga et al. (U.S. Patent No. 5,956,084); claim 29 is rejected under 35 U.S.C. §103(a) over Ishiguro, Kito, Miyake, Nanba,

Fukuoka and further in view of Moronaga; claim 24 is rejected under 35 U.S.C. §103(a) over Ishiguro, Kito, Miyake, Fukuoka and further in view of Nanba.; and claim 32 is rejected under 35 U.S.C. §103(a) over Ishiguro in view of Nanba. The cancellation of claims 13, 22, 23, 26, 27 and 29 render the rejections of these claims moot, and Applicant respectfully traverses the rejections of claims 8, 10, 11, 15, 17-19, 21, 24-26, 28, 30 and 31.

**A. Independent Claims 8 and 15**

Ishiguro, Kito, and Miyake, alone or in a permissible combination, do not disclose or suggest the following features recited in independent claims 8 and 15: an image storage control unit that controls transfer of image data... to transfer the image data generated by the image sensor to the detachable portable memory on a temporary basis so that the operation member can be operated to cause the image sensor to capture a next subject image, and to record image identification information with regard to the image data transferred to the detachable portable memory on a temporary basis so that the image data transferred to the detachable portable memory on a temporary basis and the image data transferred to the detachable portable memory in the case that the detachable portable memory is set as the storage device can be distinguished from each other.

The Final Rejection relies on Ishiguro for allegedly disclosing an image storage control unit (CPU 161) that controls transfer of image data, and is operable in a communication mode, to automatically transfer the image data generated by the image sensor from the image capture device to an external device, and when communication with the external device is disabled to transfer the image data generated by the image sensor to the memory. However, the Final Rejection acknowledges that Ishiguro fails to disclose a detachable portable memory that stores image data and image identification information with regard to the image data transferred to the detachable portable memory. Nevertheless, the Final Rejection alleges that Kito discloses the claimed detachable portable memory, and

Miyake discloses a memory card configured such that card identification information unique to the memory card is stored in the memory card along with image data. The Final Rejection further alleges that there is motivation for combining the alleged teachings of Kito and Miyake with Ishiguro. However, Applicant submits that even if Ishiguro is combined with Kito and Miyake, the alleged combination does not disclose or suggest transmitting image data to a detachable portable memory on a temporary basis when communication with external device is disabled and the case that the external device is set as the storage device, and recording image identification information with regard to image data transferred to the detachable portable memory on a temporary basis so that the image data transferred to the detachable portable memory on a temporary basis and the image data transferred to the detachable portable memory in the case that the detachable portable memory is set as the storage device can be distinguished from each other.

For example, Ishiguro merely discloses a composite device 100 that allows a user to capture an image and transfer the image to a server. See Ishiguro, for example, col. 6, lines 37-41. The composite device 100 of Ishiguro allows the user to set the device to either a direct transmission mode or a normal transmission mode. See Ishiguro, for example, col. 8, lines 1-8. In both the direct transmission mode and the normal transmission mode, the image is transferred to an external server for storage. See Ishiguro, for example, col. 8, lines 43-67. Because the image that is captured by the composite device 100 of Ishiguro is transferred to an external server in both modes, Ishiguro does not disclose recording the image identification information with regard to image data transferred to the detachable portable memory on a temporary basis so that the image data transferred to the detachable portable memory on a temporary basis and the image data transferred to the detachable portable memory in the case that the detachable portable memory is set as the storage device can be distinguished from each other.

In the image-capturing device according to claim 8, the detachable portable memory stores the image data transferred to on a temporary basis when communication with the external device is disabled in the case that the external device is set as the storage device and the image data transferred to in the case that the detachable portable memory is set as the storage device. And by recording the image identification information as recited in claim 8, the image data stored in the detachable portable memory on a temporary basis and the image data stored in the detachable portable memory in the case that the detachable portable memory is set as the storage device can be distinguished from each other.

Ishiguro may disclose both the direct transmission mode and the normal transmission mode. See Ishiguro, for example, col. 8, lines 1-8. However, in both modes as shown in step S206 of Fig. 2, the image is transferred to the external server. Consequently, Ishiguro does not need to distinguish the image data transferred to on a temporary basis and the image data transferred to in the case that the detachable portable memory is set as the storage device from each other, which are both stored in the detachable portable memory.

Kito does not remedy the above-noted deficiencies of Ishiguro. Kito does not disclose recording image identification information with regard to image data transfer to the detachable portable memory on a temporary basis so that the image data transferred to the detachable portable memory on a temporary basis and the image data transferred to the detachable portable memory in the case that the detachable portable memory is set as the storage device can be distinguished from each other.

Kito merely discloses an image memory 20 for storing image data of an image taken with the photographing device 16 in association with information such as user's identification code and number received from the user-side communication device 12. See Kito, for example, col. 8, lines 10-15.

Miyake also does not remedy the above-deficiencies Ishiguro. That is, Miyake also does not disclose the above-described features. Miyake is merely relied upon for allegedly disclosing a memory card configured such that card identification information unique to the memory card is stored in the memory card along with image data.

Accordingly, for at least the reasons discussed above, the alleged combination of Ishiguro, Kito and Miyake fail to disclose or suggest all of the features recited in independent claims 8 and 15. Applicant thus respectfully requests withdrawal of the §103(a) rejection of these claims.

**B. Independent Claim 31**

Ishiguro, Kito, and Miyake, alone or in a permissible combination, do not disclose or suggest a "communication circuit [that] is capable of communicating with the external device by at least a first wireless communication method and a second wireless communication method, and attempts the second wireless communication method when communication with the external device is failed by the first wireless communication method," as recited in independent claim 31 (emphasis added).

The Final Rejection relies on Ishiguro for allegedly disclosing the claimed first wireless communication method and the claimed second wireless communication method. However, Applicant respectfully disagrees.

Ishiguro merely discloses a composite device 100 that generates a call to a public network when the composite device is set to a direct transmission mode. Ishiguro further discloses that if the communication between the composite device 100 and a transmission destination server is established, the image data is transferred to the destination server through a public network. See Ishiguro, for example, col. 8, lines 43-67. Ishiguro further discloses that if communication between the composite device 100 and a transmission destination server is unstable, the pickup images to be transmitted are stored once in a

memory, and the untransmitted images stored in the memory are automatically retransmitted when a communication between the composite device 100 and the transmission destination server is established and stabilized. Importantly, the method of transmitting the image data in the case that communication between the composite device 100 and the transmission destination server is established immediately, and in the case that communication between the composite device 100 and the transmission destination server is unstable, such that retransmission is required, is the same. That is, the method used in both instances includes generating a call to a public network in order to establish communication between the composite device 100 of Ishiguro and the transmission destination server. Accordingly, Ishiguro does not disclose or suggest a "communication circuit [that] is capable of communicating with the external device by at least a first wireless communication method and a second wireless communication method, and attempts the second wireless communication method when communication with the external device is failed by the first wireless communication method" (emphasis added).

Kito and Miyake fail to remedy the above-noted deficiencies of Ishiguro. Kito is merely relied upon for allegedly disclosing a detachable portable memory 20 for a photographing device. Miyake is merely relied upon for allegedly disclosing a memory card configured such that card identification information unique to the memory card is stored in the memory card along with image data.

Thus, for at least these reasons, the alleged combination of Ishiguro, Kito and Miyake, fail to disclose or suggest all of the features recited in independent claim 31. Applicant thus respectfully requests withdrawal of the §103(a) rejection of independent claim 31.

**C. Independent Claim 32**

Ishiguro and Nanba, alone in a permissible combination, fail to disclose or suggest "an image storage control unit that controls transfer of image data, and is operable in a

communication, to automatically transfer the image data generated by the image sensor in response to operation of the operation member by the user from the image-capturing device to a first external device via communication circuit capable of communicating with the first external device to store the image data in the first external device, and when communication with a first external device is disabled, to transfer the image data generated by the image sensor to a second external device" as recited in independent claim 32 (emphasis added).

The Final Rejection alleges that Ishiguro discloses all of the features recited in independent claim 32 except for an image-capturing device that transfers data to a second external device. However, the Final Rejection alleges that Nanba discloses this feature, and thus remedies the deficiencies of Ishiguro. Applicant, however, submits that Nanba does not disclose an image-capturing device that transfers data to a second external device.

Nanba merely discloses that if it is detected that the memory card 8 is not inserted in the slot 17 (No in S2) or it is not possible to record the image because of an insufficient remaining capacity of the memory 8 when the card is inserted in the slot (No in S4), the PC is called an S10 and then in S15, the image data is transmitted to the PC 1000. See Nanba, for example, col. 7, line 21-col. 8, line 23. Importantly, the PC 1000 of Nanba is the only external device in which image data is transferred to. In other words, Nanba does not disclose an image-capturing device that transfers image data generated by the image sensor to a second external device when communication with PC 1000 of Nanba is disabled.

Moreover, Ishiguro and Nanba do not disclose or suggest transmitting a command to transfer the image data to the first external device from the second external device without involving the image-capturing device in the case that the first external device has become available, as recited in independent claim 32.

Accordingly, for at least the reasons discussed above, Ishiguro and Nanba, alone or in a permissible combination, fail to disclose or suggest all of the features recited in independent

claim 32. Applicant thus respectfully requests withdrawal of the §103(a) rejection of independent claim 32.

**D. Dependent Claims**

Claims 10, 11, 17-19, 21, 24 and 25 depend from independent claim 8. Matsumoto, Miwa, Gaylord, Nanba, Fukuoka and Moronaga, fail to remedy the deficiencies of Ishiguro, Kito, and Miyake, with respect to claim 8. Accordingly, Applicant submits that these claims are patentable over the applied references for at least the reasons discussed above, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the §103(a) rejection of these claims.

**II. New Claims**

New claims 33-35 depend from claims 15 and 32. Applicant thus respectfully submits that these claims are patentable over the applied references for at least the reasons discussed above, as well as for the additional features these claims recite.

**III. Conclusion**

In view of at least the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.



Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination  
Petition for Extension of Time

Date: August 8, 2007

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